

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA-814 of 2019**

Biman Mondal

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

1

2

3

03
19/02/2020

For the Applicant : Mr. G.P. Banerjee,
Mrs. S. Agarwal,
Learned Advocates.

For the State Respondent : Mr. A.L. Basu,
Learned Advocate.

Mr. Basu, Learned Counsel for the state respondents has prayed for accommodation for filing reply. Accommodation is granted.

Mr. G.P. Banerjee, Learned Counsel for the applicant submits that the applicant may be granted an interim order not to deduct a sum of ₹ 4036/- from the salary of the applicant every month on the ground of over payment. Mr. Banerjee further submits that the applicant prayed for Earned Leave for a period of 16 (sixteen) days from January 23, 2019 to February 07, 2019 on the ground of marriage, but the applicant could not resume duty on medical ground on February 08, 2019 and subsequently prayed for extension of the period of leave upto March 15, 2019. He also submits that on resuming duty the applicant found to his utter surprise that a sum of ₹ 4036/- is deducted from the salary bill of the applicant from the month of May, 2019 onwards.

Mr. Basu, Learned Counsel representing the state respondents submits that leave was initially granted in favour of the applicant from January 23, 2019 to February 07, 2019 on the ground of marriage of the applicant, but he did not resume duty on expiry of the leave, inspite of issuance of three notices in favour of the applicant. He

ORDER SHEET – (Continuation)

Form No.

Biman Mondal
.....

Vs

The State of West Bengal & Others
.....Case No. **OA-814 of 2019**

Serial No. and date of order 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary. 3
Csm	<p>further submits that the applicant subsequently submitted incomplete application without putting signature praying for extension of leave, but he had drawn salary even when he was absent from duty. According to Mr. Basu, the Respondent No. 3 having no other alternative treated the absence of the applicant from February 08, 2019 to March 10, 2019 (36 days) as Extraordinary Leave without pay and pass appropriate order for recovery of excess payment already made in favour of the applicant. He also submits that the recovery of excess payment will come to an end with salary bill for the month of February, 2020.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the fact of unauthorized absence of the applicant from duty and consequent order of recovery of excess payment from the salary bill of the applicant, we would like to hold that recovery of excess payment should be subject to the decision of the present original application. Accordingly, we are passing the interim order to the effect that the recovery of excess payment made from the salary bill of the applicant @ ₹ 4036/- per month will be subject to the decision of the original application. List the matter under the heading ‘Reply/Rejoinder’ on March 24, 2020.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	